



Rockdale County Board of Commissioners

Priority:
RUSH/30/60/90

Agenda Item Summary: Item #

MEETING DATE:

Requesting Department
Planning & Development

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)

1st Reading and Referral to the Planning Commission (Case No. 2016-06)

Requirement for Board Action (Cite specific Board policy, statute or code requirement)

Sec. 238-4 (a)(2)(d) of the Code of Rockdale County

Is this Item Goal Related? (If yes, describe how this action meets the specific Board of Commissioners Focus Area or Goal)



Yes



No Sustainability & Community

Summary & Background

(First sentence includes Department recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

The Planning & Development Department recommends approval of the requested action to refer this item to the Planning Commission.

The applicant is requesting to rezone 1.17 acres from M-1 (Limited Industrial) to C-2 (General Commercial) for the development of a McDonald's restaurant.

September 20, 2016 - Work Session

September 27, 2016 - 1st Reading & Referral to Planning Commission

October 13, 2016- Planning Commission

October 25, 2016 - Zoning Public Hearing

November 8, 2016 - 2nd Reading & Action

Fiscal Impact / Funding Source

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

N/A

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)

(1) Draft Ordinance

Source of Additional Information

(Type Name, Title, Department and Phone)

Brenda Shaw, Zoning Administrator, Planning & Development, 770.278.7124

Department Head/Director's Approval

Typed Name and Title

Marshall Walker, Director

Phone

770.278.7135

Signature

Marshall W. Walker

Date

09/08/16

Chief of Staff
Approval

[Signature]

Ordinance No. _____

Rezoning Case No. 2016-06

AN ORDINANCE, PURSUANT TO THE PROVISIONS OF SECTION 238-4 OF THE CODE OF ROCKDALE COUNTY, GEORGIA, AS AMENDED, TO REZONE PROPERTY LOCATED AT 1370 HIGHWAY 138 NE, CONYERS, GEORGIA FROM THE M-1 (LIMITED INDUSTRIAL) ZONING DISTRICT TO THE C-2 (GENERAL COMMERCIAL) ZONING DISTRICT FOLLOWING APPLICATION FOR SAME; TO AUTHORIZE AN AMENDMENT TO THE OFFICIAL ZONING MAP OF ROCKDALE COUNTY, GEORGIA, REFLECTING SAID REZONING; TO IMPOSE CONDITIONS UPON THE AMENDMENT; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, an application to rezone a certain property was filed with Rockdale County, Georgia, which involved the following information:

CASE # 2016-06	REZONING OF 1.17 ACRES FROM M-1 (LIMITED INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL)
APPLICANT:	Gerald H. Pryor, 217 S. Madison Avenue, Douglas, Georgia 31533
LOCATION:	Property is located at 1370 Highway 138 NE, Conyers, Georgia, Tax ID Parcel #072001005B
LAND LOT(S):	299
DISTRICT:	16th

; and

WHEREAS, said rezoning proposal was reviewed by staff and public hearings were held following public notice and all other requirements of the Code of Rockdale County;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Rockdale County, Georgia, and by the authority of same as follows:

Section 1

Pursuant to the provisions of Section 238-4 of the Code of Rockdale County, Georgia, as amended, the Official Zoning Map for Rockdale County, as amended, is hereby amended so as to rezone property, more particularly described in the overall legal description attached hereto as Exhibit "A" comprised of Parcel #072001005B, which exhibit is hereby incorporated by this reference, from M-1 (Limited Industrial) to C-2 (General Commercial).

Section 2

The zoning amendment authorized in Section I is approved subject to all conditions, including any site plan, attached hereto as Exhibit "B", which exhibit is hereby incorporated by this reference. All permits issued pursuant to this change in zoning shall be in strict compliance with these conditions, as well as all other applicable provisions of the Code of Rockdale County. The change in zoning hereby approved does not authorize the violation of any zoning district regulations, nor grant any variances from said regulations.

Ordinance No. _____

Rezoning Case No. 2016-06

Section 3

The Official Zoning Maps of Rockdale County, Georgia, established as a part of the Rockdale County Zoning Ordinance, as amended, are hereby amended to reflect the change in zoning of said properties authorized in Section I.

Section 4

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5

This ordinance shall become effective upon adoption.

This _____ day of _____, 2016.

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**

Richard A. Oden, Chairman and CEO

Osborn Nesbitt, Sr., Commissioner

Dr. Doreen Williams, Commissioner

Attest:

By: _____
Jennifer Rutledge, County Clerk

Approved as to form:

By: _____
M. Qader A. Baig, County Attorney

Date: _____

First reading: _____

Second reading: _____

Ordinance No. _____

Rezoning Case No. 2016-06

EXHIBIT "A"

Legal Description

DRAFT

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 299 OF THE 16TH DISTRICT OF ROCKDALE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE SOUTHEASTERLY END OF A MITERED RIGHT OF WAY LINE AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SOUTH MAIN STREET AND THE NORTHWESTERLY RIGHT OF WAY LINE OF S.R. 138;

THENCE ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF S.R. 138, SOUTH 41 DEGREES 45 MINUTES 46 SECONDS WEST, 161.45 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND;

THENCE LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE OF S.R. 138, NORTH 49 DEGREES 31 MINUTES 11 SECONDS WEST, 237.22 FEET TO A 2" OPEN TOP PIPE FOUND;

THENCE NORTH 01 DEGREES 20 MINUTES 31 SECONDS EAST, 139.44 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND ON THE SOUTHWESTELY RIGHT OF WAY LINE OF SOUTH MAIN STREET;

THENCE ALONG SAID SOUTHWESTELY RIGHT OF WAY LINE OF SOUTH MAIN STREET, SOUTH 87 DEGREES 14 MINUTES 26 SECONDS EAST, 16.46 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND;

THENCE CONTINUING ALONG SAID SOUTHWESTELY RIGHT OF WAY LINE OF SOUTH MAIN STREET, ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 38.14 FEET (SAID CURVE HAVING A RADIUS OF 365.50 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 83 DEGREES 51 MINUTES 18 SECONDS EAST, 38.12 FEET) TO A CONCRETE RIGHT OF WAY MONUMENT FOUND;

THENCE CONTINUING ALONG SAID SOUTHWESTELY RIGHT OF WAY LINE OF SOUTH MAIN STREET, ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 109.42 FEET (SAID CURVE HAVING A RADIUS OF 364.17 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 74 DEGREES 17 MINUTES 06 SECONDS EAST, 109.01 FEET) TO A CONCRETE RIGHT OF WAY MONUMENT FOUND;

THENCE CONTINUING ALONG SAID SOUTHWESTELY RIGHT OF WAY LINE OF SOUTH MAIN STREET, ALONG THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 49.08 FEET (SAID CURVE HAVING A RADIUS OF 254.65 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 54 DEGREES 53 MINUTES 00 SECONDS EAST, 49.00 FEET) TO A ½" REBAR AND SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF# 390 GEORGIA);

THENCE CONTINUING ALONG SAID SOUTHWESTELY RIGHT OF WAY LINE OF SOUTH MAIN STREET, SOUTH 49 DEGREES 08 MINUTES 51 SECONDS EAST,

76.07 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE NORTHWESTERLY END OF A MITERED RIGHT OF WAY LINE AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SOUTH MAIN STREET AND THE NORTHWESTERLY RIGHT OF WAY LINE OF S.R. 138;

THENCE ALONG SAID MITERED RIGHT OF WAY LINE, SOUTH 24 DEGREES 38 MINUTES 04 SECONDS EAST, 66.70 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINING 1.1737 ACRES (51,127 SQUARE FEET).

Ordinance No. _____

Rezoning Case No. 2016-06

EXHIBIT “B”

Conditions of Zoning

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